

March 24, 2017

Patrick McDonnell, Acting Secretary
PA Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Dear Secretary McDonnell:

I am writing regarding the Southeast Regional office of the PA Department of Environmental Protection's (PADEP) handling of the development on the contaminated Bishop Tube site on South Malin Road in Frazer, which is next to my neighborhood.

For 10 years, the PADEP expressed concerns over developing the site. Now, there suddenly seems to be an unwarranted rush to erect more than 200 townhomes there. Below is a quote from a report by Dr. Tom Myers, an expert secured by the Delaware Riverkeeper Network, regarding the proposal by Constitution Drive Partners (CDP) to develop the Bishop Tube site:

"Developing this site would expose the existing contamination to wind and rain, which would cause it to erode and pass downstream or downwind where it would contaminate additional areas. Also, much of the contamination would remain in place, especially in groundwater and soils outside of the targeted excavation zone. Other than the additional contamination caused by water and wind erosion, this residential development and remediation will expose substantial amounts of contamination that would be left in place to increase erosion. The development would not contribute substantially to the necessary remediation of downstream and downgradient recourses."

The developer has stated it is in regular communication with the PADEP, but the community has not been extended that same courtesy. PADEP's discussions with East Whiteland Township officials outside the participation of township residents do not allow for the public engagement that is our right. We residents deserve the chance to speak directly to the PADEP about our concerns and understand the reasons why PADEP is advancing this project.

The lack of transparency in the PADEP's review and approval process is cause for alarm. Given the high level of contamination at the site and the fact that after the developer undertakes its proposed action there will remain significant pathways for ongoing environmental exposure to major contaminants, PADEP's haste in helping CDP advance its project is very concerning.

I ask you to please support our community by ensuring we are able to meet with the PADEP so it can address our concerns and provide transparency in the decision-making process. Thank you.

Sincerely,

Ex. 6 Personal Privacy (PP)

Malvern, PA 19355

Ex. 6 Personal Privacy (PP)

SECRETARY'S OFFICE

MAR 27 2017

DEPARTMENT OF
ENVIRONMENTAL PROTECTION



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

April 11, 2017

Ms. [Ex. 6 Personal Privacy (PP)]

[Ex. 6 Personal Privacy (PP)]

Malvern, PA 19355

Re: Bishop Tube HSCA Site
East Whiteland Township, Chester County

Dear Ms. [Ex. 6 Personal Privacy (PP)]

Thank you for your letter dated March 24, 2017 addressed to Acting Secretary Patrick McDonnell. We appreciate your concern regarding the proposed development of the Bishop Tube HSCA Site by the current owner of the property, Constitution Drive Partners L.P. (CDP).

While we understand that CDP is proposing residential development at the Site, CDP has not yet submitted any permit applications related to proposed development activities such as storm water management, etc. Moreover, we consider any local land development issues, such as zoning or other local ordinance matters, to be exclusively within the purview of East Whiteland Township. Please know that the Department takes no position with regard to how the Township responds to those issues.

With regard to the cleanup of the Bishop Tube Site itself, the Department's responsibility, under the Hazardous Sites Cleanup Act, is to select and assure a remedy that is protective of human health and the environment and otherwise complies with all statutory and regulatory requirements. As part of that process, the Department is presently under binding agreement with Johnson Matthey, Inc. and Whitaker Corporation to complete a comprehensive study of the entire Site, including all impacts to groundwater and surface waters, and to propose alternative ways to clean the Site up. We expect this study (referred to as a Remedial Investigation/Feasibility Study or RI/FS) to be completed by Summer 2017. Once the RI/FS is complete, the Department will select a final remedy for the Site. The selection process will involve both a written public comment period and a local public hearing. We look forward to hearing from any and all members of the public as a part of that process.

In the meantime, CDP has expressed their intent to apply for a grant under the Industrial Sites Reuse Program (ISRP) administered by the Department of Community and Economic Development (DCED). The proposal under the grant is to excavate the most highly contaminated areas of the Bishop Tube Property, transport these contaminated soils to an off-site disposal facility, and backfill the areas with clean fill.

April 11, 2017

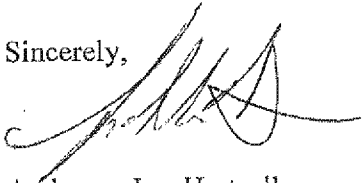
While DCED will ultimately decide whether or not to issue the grant, the Department's responsibility in this process is to review the Scope of Work (SOW) to determine if the proposed activities will comply with all of the environmental statutes the Department administers. To date, we have reviewed and commented on versions of the SOW but have not yet issued any approval. Please know that we will be closely scrutinizing the SOW to ensure that all activities, including such issues as fugitive dust emissions, are conducted in a responsible and lawful manner. In addition, if an ISRP Grant is awarded, the Department will be overseeing remediation work to assure that it is conducted in a manner that conforms to the approved SOW.

Once again, please understand that any excavation and off-site disposal of contaminated soils conducted by CDP under an approved SOW pursuant to the proposed grant would not be a final remediation of the Site but would only be one potential step towards a final cleanup. As I said above, we are nearing completion of the final RI/FS for this Site and will be selecting final remedial action later in the year through a very public Administrative Record process.

We are also working to develop a public webpage where we can keep up to date information the Department's oversight of the Site. We hope that it will go live within the next week or so.

Thank you for your interest in this matter. I hope this information is helpful. If you have any questions or require additional information, please do not hesitate to contact Dustin Armstrong at 484.250.5723 or by e-mail at darmstrong@pa.gov.

Sincerely,



Anderson Lee Hartzell
Acting Regional Director

cc: Senator Andrew Dinniman
Representative Duane Milne
Mr. Nagle - East Whiteland Twp.
East Whiteland Twp. EAC
Chester County Health Department
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